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jc932 U.S. PTO  
09/698363



10/27/00

CASE DOCKET NO. SMP-004-4-1

 $\frac{2}{a}$ 

Dear Sir/Madam:

This is a request for a divisional application under 37 C.F.R. 1.53(b), of pending prior application Serial No. 09/028,901 filed on February 24, 1998, of Toivo T. Kodas of 11102 San Rafael Dr. NE, Albuquerque, NM 87122, Mark J. Hampden-Smith of 2901 Maximillian NW, Albuquerque, NM 87104, James Caruso of 7721 Cedar Canyon Court NE, Albuquerque, NM 87122, Daniel J. Skamser of 1409 Roper Mountain Rd., Apt. #257, Greenville, SC 29615, Quint H. Powell of 14336 Grand Avenue NE, Albuquerque, NM 87123 and Clive D. Chandler of 10706 SW Capital Highway No. 44, Portland, OR 97219 for "GOLD POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME".

1. [X] Enclosed is a copy of the prior application, including specification, claims, drawings, and abstract, as well as a copy of the Oath, as originally filed.
2. [X] The filing fee is calculated below (claims as filed, less any claims canceled by amendment below):

	(COL. 1) NO. FILED				(COL. 2*) NO. EXTRA	SMALL ENTITY			LARGE ENTITY	
						RATE	FEE		RATE	FEE
BASIC FEE:						\$355.00	OR		\$710.00	
TOTAL CLAIMS:	64	-	20	44	X \$9 =	\$	OR	X \$18 =	\$792.00	
INDEP. CLAIMS:	4	-	3	1	X \$40 =	\$	OR	X \$80 =	\$80.00	
____ MULTIPLE DEPENDENT CLAIMS					+ \$135 =	\$	OR	+ \$270 =	\$	
*IF THE DIFFERENCE IN COL. 2 IS LESS THAN ZERO, ENTER "O" IN COL. 2.					TOTAL:	\$0.00			\$1582.00	

FILING FEE IS NOT ENCLOSED AT THIS TIME.

[X] Enclosed is a check in the amount of \$ 1582.00 to cover the filing fee. Please credit any overpayment or debit any underpayment to Deposit Account No. 13-2496.

Please charge Deposit Account No. 13-2496 in the Amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 13-2496. A duplicate copy of this sheet is enclosed.

[X] Cancel in this Application original Claim(s) 1-103 and 168-175 of the prior application before calculating the filing fee. (At Least One Original Independent Claim must Be Retained for Filing Purposes.)

[X] Amend the Specification by inserting before the first line the sentence: "This is a Division of Application Serial No. 09/028,901, filed February 24, 1998".

[X] The prior application is assigned to Superior MicroPowders LLC.

[ ] Priority under 35 U.S.C. 119 of the following foreign application is claimed in \_\_\_\_\_, has been assigned Serial No. \_\_\_\_\_ and was filed on \_\_\_\_\_.

[1] The Power of Attorney:

- a. ☒ Is in the original papers of the prior application.
- b. ☐ Does not appear in the original papers and a copy of the power of attorney in the prior application is enclosed.
- EXPRESS MAIL MAILING LABEL NUMBER: FRA10536148

"EXPRESS MAIL" MAILING LABEL NUMBER: EE410536148  
DATE OF DEPOSIT: October 27, 2000

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D. C. 20231.

TYPED OR PRINTED NAME: Janelle Fast

SIGNATURE: Janelle Fast

- [X] A Preliminary Amendment is enclosed.  
[X] A Petition and Fee has been filed to extend the term in the pending prior application until October 27, 2000.  
[X] Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application.  
[] Small entity status is still proper and is requested based upon the verified statement in the prior application.  
[X] I hereby verify that the attached papers are a true copy of prior application serial no. 09/028,901 as originally filed on February 24, 1998.

The undersigned declares further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is hereby authorized to submit all correspondence relating to this case to the below named attorney or agent.

By: \_\_\_\_\_

David F. Dockery  
Registration No. 34,323  
8000 E. Prentice Ave.  
Suite B-6  
Englewood, CO 80111  
(303) 689-9120

Date: \_\_\_\_\_

October 27, 2000